

A BILL

TO BE ENTITLED

Insert
AN ACT to provide for the conservation and prevention of waste of underground water and to protect underground water reservoirs from pollution; defining certain terms; providing for the administration of this Act; amending Article 7605 of the 1925 Revised Civil Statutes of Texas; providing for registration of water well drillers; authorizing promulgation of rules; providing for an examining panel, prescribing its duties, providing for its organization and meetings, and fixing the compensation of its members; fixing certain registration, renewal and permit fees; provide for water well logs and their preservation; creating a special fund to be known as the "Water Well Drillers' Fund"; making an appropriation; containing a "Grandfather Clause"; providing for revocation, expiration, renewal, and reissuance of certificates; providing for judicial review; providing exemptions; providing that this Act shall not affect ownership of underground water; prescribing penalties; providing for reciprocity; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Definitions. Unless the context of this Act indicates a different meaning, the words hereinafter defined, when used in this Act shall have the following meaning:

Log
(a) "Water Well Log" is a record of the depth, thickness, character and color of the strata penetrated or encountered in the drilling, deepening, or electrical logging, if any taken, of a water well, drilled 100 feet or more in depth from the surface of the earth.

(b) "Well" or "Water Well" is any artificial excavation constructed for the purpose of exploring for or producing ground water; but shall not include any hand dug or drive point water well or test or blast holes in quarries or mines, or any well or excavation for the purpose of core drilling and drilling for, exploring, or producing oil, gas, or any other mineral except water unless such oil or gas well is used for the production of water.

(c) "Water Well Driller" is any natural person who engages in the drilling, boring, coring, or constructing of any water well as defined in this Act.

(d) "Registered Water Well Driller" is any water well driller who is the holder of a valid Certificate of Registration from the State Board of Water Engineers.

Section 2. Administration. This Act shall be administered by the State Board of Water Engineers, or its successors, and sometimes hereinafter referred to as "Board." In the performance of its duties under this Act, the Board is hereby authorized, empowered, and directed to formulate, adopt, promulgate, and enforce rules and regulations, not inconsistent with the Constitution and laws of this State for the following purposes:

(a) the keeping and preservation of water well logs and their filing and forwarding as hereinafter directed;

(b) the prevention of pollution of underground water by water well drillers arising out of the drilling, boring, coring or constructing of any water well as defined in this Act; and

(c) the registration of water well drillers and the revocation of such registration.

Section 3. Water Well Log.

Every water well driller, as defined herein, drilling, deepening or taking electric logs of a water well within this State, shall make and keep or cause to be kept a legible and accurate water well log thereof, and shall within sixty (60) days from the completion of cessation of drilling, deepening, electric logging, if any, of such well deliver or transmit by certified mail a signed true copy of such log, and such electric log, if any, to the Board, upon forms furnished or approved by the Board.

Section 4. Registration. No person, firm, or corporation, except a Registered water well driller, shall hereafter drill, bore, core, or deepen any water well for hire, in this State.

Section 5. Applications and Registration. All applications for a certificate of registration as a water well driller shall be filed with the Board upon forms furnished by the Board, accompanied by a filing fee of Twenty-Five Dollars (\$25.00).

Applicants for a certificate of registration shall:

(a) Be a natural person at least twenty-one (21) years of age;

(b) Have worked at the water well drilling trade for at least two (2) years

before making application;

(c) Have been a bona fide resident of this State for the last year preceding the filing of such application;

(d) Have not been convicted of a felony in this, or any other State, within the last five years;

(e) Demonstrate to the Board by oral or written examination or both as the Board deems necessary, his fitness to properly, intelligently, and lawfully carry on the business of drilling and casing and completing water wells.

Section 6. Examining Panel. In connection herewith, the Board is empowered to appoint from time to time from among the registered water well drillers of this State three (3) examiners to assist it in the preparation and administration of the examination required by Section 5(e) hereof. Such examiners shall serve during the pleasure of the Board, and each such examiner shall be allowed for each day or part thereof spent by him in actually administering said examinations, including the day spent in traveling to and from administering the same, the sum of Twenty Dollars (\$20.00), and said examiners shall be allowed, in addition, their actual and necessary traveling expenses while traveling to and from the administration of said examinations, provided, that no such examiner shall receive hereunder more than Five Hundred Dollars (\$500.00) annually, exclusive of expenses.

Section 7. Certain Certificates to be Issued. Any person who, on the effective date of this Act, possesses the qualifications set forth in Sections 5(a) through 5(d) shall, upon making sworn application to such effect supported by affidavit of two (2) other adult residents of this State and payment of the fee required by Section 5 hereof, at any time before December 31, 1957, be entitled to be issued a Certificate of Registration without the necessity of taking the examination provided for by Section 5(e) of this Act.

Section 8. Receipts and Disbursements. The Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same into the State Treasury. The State Treasurer shall keep such moneys in a fund separate and apart from all other funds in the State Treasury, which funds shall be used for no other purposes than for the administration of this Act. Said fund shall be known as the "Water Well Drillers' Fund," and said fund is hereby created.

Disbursements of said fund shall be made only by warrant drawn by the State Comptroller of Public Accounts who is hereby authorized to issue warrants upon the State Treasurer against said funds, on itemized vouchers, approved by the Board or some person properly designated by the Board to approve the same. All moneys in said fund are hereby specifically appropriated to the Board for the purpose of administering this Act. All per diem and expenses of examiners, as provided in Section 6 hereof, shall be paid from said fund. The Board shall employ such clerical or other assistants as may be necessary for the proper performance of its duties and may make expenditures of this fund for any purposes which, in the opinion of the Board, are reasonably necessary for the proper performance of its duties under this Act.

Section 9. Issuance, Expiration, and Renewal of Certificate. If the Board is satisfied that an applicant is qualified under this Act, it shall issue to the applicant a Water Well Drillers' Certificate of Registration. Each such certificate shall expire on the 31st day of the month of August next following its issuance. No such certificate shall be transferable. The Board shall notify every person registered under this Act at least one (1) month in advance of the expiration of his certificate, but the failure to mail or receive said notice shall not prevent the expiration of such certificate. A certificate may be renewed at any time within thirty (30) days of the expiration thereof by the payment of the registration fee provided in this Act. Otherwise a new registration under Section 5 hereof shall be required.

Section 10. Revocation. The Board shall have the power to revoke the Certificate of Registration of any Registered Water Well Driller who:

- (a) Practices fraud or deceit in obtaining such Certificate of Registration.
- (b) Willfully violates any of the provisions of this Act or any order, rule, or regulation of the Board authorized in Section 2 hereof.
- (c) Is convicted of a felony.

No certificate shall be revoked until the registrant has been furnished with a statement in writing of the charges made against him. Notice may be given the registrant in person or by depositing the same in the United States mails, properly stamped and addressed to the registrant, as such address may be known by the Board

or as shown by the Board's records, registered or certified with a return receipt requested. The registrant may, within ten (10) days of receiving such notice, file a written request with the Board for a public hearing on such charges. In such cases, the Board shall promptly fix the date for such public hearing at its offices, but the date for such hearing shall be at least twenty (20) days after the date of fixing the same; and the notice of the date of such hearing as set by the Board shall be delivered in person or forthwith mailed to the registrant.

Section 11. Appeal. Any person whose Certificate of Registration is revoked by the Board shall have the right to file suit in a District Court of the County of Travis, State of Texas, to set aside the order of the Board revoking the Certificate of Registration. Said suit shall be filed against the Board as Defendant, and service of process may be had upon its chairman, or any member thereof. The suit shall be tried de novo as such term is commonly used and intended in an appeal from Justice Court to the County Court, and the substantial evidence rule shall have no application thereto.

Section 12. Re-issuance. A new Certificate of Registration, to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations prescribed by the Board, and a charge of One Dollar (\$1.00) shall be made for such new certificate.

Section 13. Violations - Penalties. Any person presenting or attempting to use as his own the Certificate of Registration of another, or any person who shall give any false evidence of any kind to the Board or any member thereof in obtaining a Certificate of Registration, and any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred (\$200.00) or be confined in jail for a period not exceeding 120 days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense. The Board is charged with the duty of aiding in the enforcement of the provisions of this Act, and any member or employee of the Board may present to the prosecuting officer complaints relating to violations of any of the provisions of the Act. The Attorney General of Texas shall act as legal advisor to the Board in the administration of this Act and shall render such legal assistance as may be

necessary in enforcing and making effective the provisions of this Act; provided that this shall not relieve County and District attorneys of any of their duties under this Act.

Section 14. Reciprocity. The Board may register without examination, upon payment of the required fee, applicants who are duly licensed under the laws of any other State that has reciprocal laws with this State, that has been licensing citizens of this State, and that has requirements deemed by the Board to be at least equivalent to those of this State.

Section 15. Construction. Nothing in this Act shall be construed as affecting the ownership, or the rights of the owner of the land, in underground water.

Section 16. Severability. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 17. Emergency. The fact that the laws of this State do not adequately provide for the conservation and prevention of waste of underground water resources and the fact that public interest requires that underground water reservoirs of the State be protected from waste and pollution create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE ROOM

Date March 17, 1959,

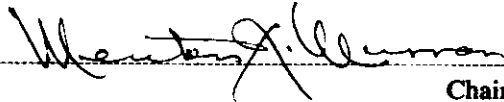
Hon. Waggoner Carr

Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation and Reclamation, to whom was referred HB No. 123, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.


Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

Thos. S. Cuy #1
COMMITTEE AMENDMENT
NO. 1

Amend H.B. 123
by striking all
after the enacting
clause & inserting in
lieu thereof the
following:

Insert (2) (over) (?)

A BILL

TO BE ENTITLED

Insert (1)

AN ACT to provide for the conservation and prevention of waste of underground water and to protect underground water reservoirs from pollution; defining certain terms; providing for the administration of this Act; amending Article 7605 of the 1925 Revised Civil Statutes of Texas; providing for registration of water well drillers; authorizing promulgation of rules; providing for an examining panel, prescribing its duties, providing for its organization and meetings, and fixing the compensation of its members; fixing certain registration, renewal and permit fees; provide for water well logs and their preservation; creating a special fund to be known as the "Water Well Drillers' Fund"; making an appropriation; containing a "Grandfather Clause"; providing for revocation, expiration, renewal, and reissuance of certificates; providing for judicial review; providing exemptions; providing that this Act shall not affect ownership of underground water; prescribing penalties; providing for reciprocity; providing for severability; and declaring an emergency.

concerning the making
and disposition of
water well logs.

m.m.

(Over)

APR 29 1959

DATE _____

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK

HOUSE OF REPRESENTATIVES

[Signature]

Section 1. Definitions. Unless the context of this Act indicates a different meaning, the words hereinafter defined, when used in this Act shall have the following meaning:

(a) "Water Well Log" is a record of the depth, thickness, character and color of the strata penetrated or encountered in the drilling, deepening, or electrical logging, if any taken, of a water well, drilled 100 feet or more in depth from the surface of the earth, or capable of producing 100 gallons a minute.

✓ (b) "Well" or "Water Well" is any artificial excavation constructed for the purpose of exploring for or producing ground water; but shall not include any hand dug or drive point water well or test or blast holes in quarries or mines, or any well or excavation for the purpose of core drilling and drilling for, exploring, or producing oil, gas, or any other mineral except water unless such oil or gas well is used for the production of water.

(c) "Water Well Driller" is any natural person who engages in the drilling, boring, coring, or constructing of any water well as defined in this Act.

(d) "Drilling, boring, coring, constructing or deepening any water well for hire" shall include the direction of such operations on the job but shall not include the work of any person employed for wages and working under the active supervision of another who is a registered water well driller.

(e) "Registered Water Well Driller" is any water well driller who is the holder of a valid certificate of Registration from the State Board of Water Engineers.

Section 2. Administration. This Act shall be administered by the State Board of Water Engineers, or its successors, and sometimes hereinafter referred to as "Board." In the performance of its duties under this Act, the Board is hereby authorized, empowered, and directed to formulate, adopt, promulgate, and enforce rules and regulations, not inconsistent with the Constitution and laws of this State for the following purposes:

(a) the keeping and preservation of water well logs and their filing and forwarding as hereinafter directed;

(b) the prevention of pollution of underground water by water well drillers arising out of the drilling, boring, coring or constructing of any water well as defined in this Act; and

(c) the registration of water well drillers and the revocation of such registration.

Section 3. Water Well Log.

Every water well driller, as defined herein, drilling, deepening or taking electric logs of a water well within this State, shall make and keep or cause to be kept a legible and accurate water well log thereof, and shall within sixty (60) days from the completion of cessation of drilling, deepening, electric logging, if any, of such well deliver or transmit by certified mail a signed true copy of such log, and such electric log, if any, to the Board, upon forms furnished or approved by the Board. If such well is drilled within the designated boundaries of any underground conservation district, the driller shall furnish a copy of the aforesaid log to such district. Such logs shall be deemed public information.

Section 4. Registration. No person, firm, or corporation, except a Registered water well driller, shall hereafter drill, bore, core or deepen any water well for hire, in this State.

DATE APR 29 1959

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

Section 5. Applications and Registration. All applications for a certificate of registration as a water well driller shall be filed with the Board upon forms furnished by the Board, accompanied by a filing fee of Twenty-Five Dollars (\$25.00). Applicants for a certificate of registration shall:

- (a) Be a natural person at least twenty-one (21) years of age;
- (b) Have worked at the water well drilling trade for at least two (2) years before making application;
- ✓ (c) Have been a bona fide resident of this State for the last year preceding the filing of such application.

Section 6. Examining Panel. In connection herewith, the Board is empowered to appoint from time to time from among the registered water well drillers of this State three (3) examiners, from different areas of the State, to assist it in the administration of this Act. Such examiners shall serve a four (4) year term, and each such examiner shall be allowed for each day or part thereof spent by him in actually administering this act the sum of Twenty Dollars (\$20.00), and said examiners shall be allowed, in addition, their actual and necessary traveling expenses, provided, that no such examiner shall receive hereunder more than Five Hundred Dollars (\$500.00) annually, exclusive of expenses.

Section 7. Certain Certificates to be Issued. Any person who, on the effective date of this Act, possesses the qualifications set forth in Sections 5(a) through 5(c) shall, upon making sworn application to such effect supported by affidavit of two (2) other adult residents of this State and payment of the fee required by Section 5 hereof be entitled to be issued a Certificate of Registration.

Section 8. Receipts and Disbursements. The Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same into the State Treasury. The State Treasurer shall keep such moneys in a fund separate and apart from all other funds in the State Treasury, which funds shall be used for no other purposes than for the administration of this Act. Said fund shall be known as the "Water Well Drillers' Fund," and said fund is hereby created. Disbursements of said fund shall be made only by warrant drawn by the State Comptroller of Public Accounts who is hereby authorized to issue warrants upon the State Treasurer against said funds, on itemized vouchers, approved by the Board or some

person properly designated by the Board to approve the same. All moneys in said fund are hereby specifically appropriated to the Board for the purpose of administering this Act. All per diem and expenses of examiners, as provided in Section 6 hereof, shall be paid from said fund. The Board shall employ such clerical or other assistants as may be necessary for the proper performance of its duties and may make expenditures of this fund for any purposes which, in the opinion of the Board, are reasonably necessary for the proper performance of its duties under this Act, and all the expenses of administering this Act shall be paid from the Water Well Drillers' Fund.

Section 9. Issuance, Expiration, and Renewal of Certificate. If the Board is satisfied that an applicant is qualified under this Act, it shall issue to the applicant a Water Well Drillers' Certificate of Registration. Each such certificate shall expire on the 31st day of the month of August next following its issuance. No such certificate shall be transferable. The Board shall notify every person registered under this Act at least one (1) month in advance of the expiration of his certificate, but the failure to mail or receive said notice shall not prevent the expiration of such certificate. A certificate may be renewed at any time within thirty (30) days of the expiration thereof by the payment of a renewal fee of \$15.00. Otherwise a new registration under Section 5 hereof shall be required.

Section 10. Revocation. The Board shall have the power to revoke the Certificate of Registration of any Registered Water Well Driller who:

- (a) Practices fraud or deceit in obtaining such Certificate of Registration.
- (b) Willfully violates any of the provisions of this Act or any order, rule, or regulation of the Board authorized in Section 2 hereof.

No certificate shall be revoked until the registrant has been furnished with a statement in writing of the charges made against him. Notice may be given the registrant in person or by depositing the same in the United States mail, properly stamped and addressed to the registrant, as such address may be known by the Board

or as shown by the Board's records, registered or certified with a return receipt requested. The registrant may, within ten (10) days of receiving such notice, file a written request with the Board for a public hearing on such charges. In such cases, the Board shall promptly fix the date for such public hearing at its offices, but the date for such hearing shall be at least twenty (20) days after the date of fixing the same; and the notice of the date of such hearing as set by the Board shall be delivered in person or forthwith mailed to the registrant.

Section 11. Appeal. Any person whose Certificate of Registration is revoked by the Board shall have the right to file suit in a District Court of the County of Travis, State of Texas, to set aside the order of the Board revoking the Certificate of Registration. Said suit shall be filed against the Board as Defendant, and service of process may be had upon its chairman, or any member thereof. The suit shall be tried de novo as such term is commonly used and intended in an appeal from Justice Court to the County Court, and the substantial evidence rule shall have no application thereto.

Section 12. Re-issuance. A new Certificate of Registration, to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations prescribed by the Board, and a charge of One Dollar (\$1.00) shall be made for such new certificate.

Section 13. Violations-Penalties. Any person presenting or attempting to use as his own the Certificate of Registration of another, or any person who shall give any false evidence of any kind to the Board or any member thereof in obtaining a Certificate of Registration, and any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or be confined in jail for a period not exceeding 120 days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense. The Board is charged with the duty of aiding in the enforcement of the provisions of this Act, and any member or employee of the Board may present to the prosecuting officer

complaints relating to violations of any of the provisions of the Act. The Attorney General of Texas shall act as legal advisor to the Board in the administration of this Act and shall render such legal assistance as may be necessary in enforcing and making effective the provisions of this Act; provided that this shall not relieve County and District attorneys of any of their duties under this Act.

Section 14. Reciprocity. The Board may register without examination, upon payment of the required fee, applicants who are duly licensed under the laws of any other State that has reciprocal laws with this State, that has been licensing citizens of this State, and that has requirements deemed by the Board to be at least equivalent to those of this State.

Section 15. Construction. Nothing in this Act shall be construed as affecting the ownership, or the rights of the owner of the land, in underground water.

Section 16. Severability. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 17. Emergency. The fact that the laws of this State do not adequately provide for the conservation and prevention of waste of underground water resources and the fact that public interest requires that underground water reservoirs of the State be protected from waste and pollution create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

By: Woolsey, Blanchard

H. B. No. 123

A BILL TO BE ENTITLED

AN ACT

to provide for the conservation and prevention of waste of underground water and to protect underground water reservoirs from pollution; defining certain terms; providing for the administration of this Act; concerning the making and disposition of water well logs; providing for registration of water well drillers; authorizing promulgation of rules; providing for an examining panel, prescribing its duties, providing for its organization and meetings, and fixing the compensation of its members; fixing certain registration, renewal and permit fees; providing for water well logs and their preservation; creating a special fund to be known as the "Water Well Drillers' Fund"; making an appropriation; containing a "Grandfather Clause"; providing for revocation, expiration, renewal, and reissuance of certificates; providing for judicial review; providing exemptions; providing that this Act shall not affect ownership of underground water; prescribing penalties; providing for reciprocity; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Definitions. Unless the context of this Act indicates a different meaning, the words hereinafter defined, when used in this Act shall have the following meaning:

(a) "Water Well Log" is a record of the depth, thickness, character and color of the strata penetrated or encountered in the drilling, deepening, or electrical logging, if any taken, of a water well, drilled one hundred (100) feet or more in depth from the surface of the earth, or capable of producing one hundred (100) gallons a minute.

(b) "Well" or "Water Well" is any artificial excavation constructed for the purpose of exploring for or producing ground water; but shall not include any hand-dug or drive point water well or test or blast holes in quarries or mines, or any well or excavation for the purpose of core drilling and drilling for, exploring, or producing oil, gas, or any other mineral except water unless such oil or gas well is used for the production of water.

(c) "Water Well Driller" is any natural person who engages in the drilling, boring, coring, or constructing of any water well as defined in this Act.

(d) "Drilling, boring, coring, constructing or deepening any water well for hire" shall include the direction of such operations on the job but shall not include the work of any person employed for wages and working under the active supervision of another who is a registered water well driller.

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(a) The keeping and preservation of water well logs and their filing and forwarding as hereinafter directed;

(b) The prevention of pollution of underground water by water well drillers arising out of the drilling, boring, coring or constructing of any water well as defined in this Act; and

(c) The registration of water well drillers and the revocation of such registration.

Sec. 3. Water Well Log. Every water well driller, as defined herein, drilling, deepening or taking electric logs of a water well within this State, shall make and keep or cause to be kept a legible and accurate water well log thereof, and shall within sixty (60) days from the completion of cessation of drilling, deepening, electric logging, if any, of such well deliver or transmit by certified mail a signed true copy of such log, and such electric log, if any, to the Board, upon forms furnished or approved by the Board. If such well is drilled within the designated boundaries of any underground conservation district, the driller shall furnish a copy of the aforesaid log to such district. Such logs shall be deemed public information.

Sec. 4. Registration. No person, firm, or corporation, except a registered water well driller, shall hereafter drill, bore, core or deepen any water well for hire, in this State.

Sec. 5. Applications and Registration. All applications for a certificate of registration as a water well driller shall be filed with the Board upon forms furnished by the Board, accompanied by a filing fee of Twenty-five Dollars (\$25). Applicants for a certificate of registration shall:

(a) Be a natural person at least twenty-one (21) years of age;

(b) Have worked at the water well drilling trade for at least two (2) years before making application;

(c) Have been a bona fide resident of this State for the last year preceding the filing of such application.

Sec. 6. Examining Panel. In connection herewith, the Board is empowered to appoint from time to time from among the registered water well drillers of this State three (3) examiners, from different areas of the State, to assist it in the administration of this Act. Such examiners shall serve a four-year term, and each such examiner shall be allowed for each day or part thereof spent by him in actually administering this Act the sum of Twenty Dollars (\$20), and said examiners shall be allowed, in addition, their actual and necessary traveling expenses, provided, that no such examiner shall receive hereunder more than Five Hundred Dollars (\$500) annually, exclusive of expenses.

Sec. 7. Certain Certificates to Be Issued. Any person who, on the effective date of this Act, possesses the qualifications set forth in Sections 5(a) through 5(c) shall, upon making sworn application to such effect supported by affidavit of two (2) other adult residents of this State and payment of the fee required by Section 5 hereof be entitled to be issued a Certificate of Registration.

Sec. 8. Receipts and Disbursements. The Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same into the State Treasury. The State Treasurer shall keep such moneys in a fund separate and apart from all other funds in the State Treasury, which funds shall be used for no other purposes than for the administration of this Act. Said fund shall be known as the "Water Well Drillers' Fund," and said fund is hereby created. Disbursements of said fund shall be made only by warrant

drawn by the State Comptroller of Public Accounts who is hereby authorized to issue warrants upon the State Treasurer against said funds, on itemized vouchers, approved by the Board or some person properly designated by the Board to approve the same. All moneys in said fund are hereby specifically appropriated to the Board for the purpose of administering this Act. All per diem and expenses of examiners, as provided in Section 6 hereof, shall be paid from said fund. The Board shall employ such clerical or other assistants as may be necessary for the proper performance of its duties and may make expenditures of this fund for any purposes which, in the opinion of the Board, are reasonably necessary for the proper performance of its duties under this Act, and all the expenses of administering this Act shall be paid from the Water Well Drillers' Fund.

Sec. 9. Issuance, Expiration, and Renewal of Certificate. If the Board is satisfied that an applicant is qualified under this Act, it shall issue to the applicant a Water Well Drillers' Certificate of Registration. Each such certificate shall expire on the 31st day of the month of August next following its issuance. No such certificate shall be transferable. The Board shall notify every person registered under this Act at least one (1) month in advance of the expiration of his certificate, but the failure to mail or receive said notice shall not prevent the expiration of such certificate. A certificate may be renewed at any time within thirty (30) days of the expiration thereof by the payment of a renewal fee of Fifteen Dollars (\$15). Otherwise a new registration under Section 5 hereof shall be required.

Sec. 10. Revocation. The Board shall have the power to revoke the Certificate of Registration of any registered water well driller who:

(a) Practices fraud or deceit in obtaining such Certificate of Registration.

(b) Willfully violates any of the provisions of this Act or any order, rule, or regulation of the Board authorized in Section 2 hereof.

No certificate shall be revoked until the registrant has been furnished with a statement in writing of the charges made against him. Notice may be given the registrant in person or by depositing the same in the United States mail, properly stamped and addressed to the registrant, as such address may be known by the Board or as shown by the Board's records, registered or certified with a return receipt requested. The registrant may, within ten (10) days of receiving such notice, file a written request with the Board for a public hearing on such charges. In such cases, the Board shall promptly fix the date for such public hearing at its offices, but the date for such hearing shall be at least twenty (20) days after the date of fixing the same; and the notice of the date of such hearing as set by the Board shall be delivered in person or forthwith mailed to the registrant.

Sec. 11. Appeal. Any person whose Certificate of Registration is revoked by the Board shall have the right to file suit in a District Court of the County of Travis, State of Texas, to set aside the order of the Board revoking the Certificate of Registration. Said suit shall be filed against the Board as defendant,

and service of process may be had upon its chairman, or any member thereof. The suit shall be tried de novo as such term is commonly used and intended in an appeal from Justice Court to the County Court, and the substantial evidence rule shall have no application thereto.

Sec. 12. Reissuance. A new Certificate of Registration, to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations prescribed by the Board, and a charge of One Dollar (\$1) shall be made for such new certificate.

Sec. 13. Violations-Penalties. Any person presenting or attempting to use as his own the Certificate of Registration of another, or any person who shall give any false evidence of any kind to the Board or any member thereof in obtaining a Certificate of Registration, and any person who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200) or be confined in jail for a period not exceeding one hundred and twenty (120) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense. The Board is charged with the duty of aiding in the enforcement of the provisions of this Act, and any member or employee of the Board may present to the prosecuting officer complaints relating to violations of any of the provisions of the Act. The Attorney General of Texas shall act as legal advisor to the Board in the administration of this Act and shall render such legal assistance as may be necessary in enforcing and making effective the provisions of this Act; provided that this

shall not relieve County and District Attorneys of any of their duties under this Act.

Sec. 14. Reciprocity. The Board may register without examination, upon payment of the required fee, applicants who are duly licensed under the laws of any other State that has reciprocal laws with this State, that has been licensing citizens of this State, and that has requirements deemed by the Board to be at least equivalent to those of this State.

Sec. 15. Construction. Nothing in this Act shall be construed as affecting the ownership, or the rights of the owner of the land, in underground water.

Sec. 16. Severability. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 17. Emergency. The fact that the laws of this State do not adequately provide for the conservation and prevention of waste of underground water resources and the fact that public interest requires that underground water reservoirs of the State be protected from waste and pollution create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be

H. B. No. 123

read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

H. B. No. 123

By

Woolsey
Woolsey
Shaw

A BILL

TO BE ENTITLED

AN ACT to provide for the conservation and prevention of waste of underground water and to protect underground water reservoirs from pollution; defining certain terms; providing for the administration of this Act; amending Article 7605 of the 1925 Revised Civil Statutes of Texas; providing for registration of water well drillers; authorizing promulgation of rules; providing for an examining panel, prescribing its duties, providing for its organization and meetings, and fixing the compensation of its members; fixing certain registration, renewal and permit fees; provide for water well logs and their preservation; creating a special fund to be known as the "Water Well Drillers' Fund"; making an appropriation; containing a "Grandfather Clause"; providing for revocation, expiration, renewal, and reissuance of certificates; providing for judicial review; providing exemptions; providing that this Act shall not affect ownership of underground water; prescribing penalties; providing for reciprocity; providing for severability; and declaring an emergency.

FILED

JAN 21 1959

FEB 2 1959

READ 1ST TIME

AND REFERRED TO COMMITTEE ON

Conservation & Reclamations

MAR 17 1959 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER.

MAR 16 1959 RETURNED FROM PRINTER. SENT TO SPEAKER.

APR 29 1959

READ SECOND

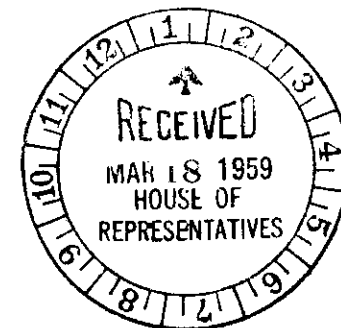
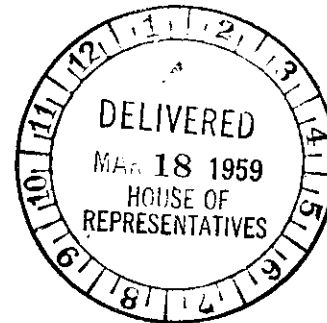
TIME *Amended* AND

ORDERED _____ ENGROSSED, by
Non-Record Vote

Dorothy Hallman

Chief Clerk, House of Representatives

APR 29 1959 SENT TO ENGROSSING CLERK



By: Woolsey, Blanchard

H. B. No. 123

A BILL TO BE ENTITLED

AN ACT

to provide for the conservation and prevention of waste of under-
ground water and to protect underground water reservoirs from
pollution; defining certain terms; providing for the administration
of this Act; concerning the making and disposition of water well
logs; etc.; and declaring an emergency.

- 1-21-59 Filed. _____
- 2- 2-59 Read first time and referred to Committee on Conservation
and Reclamation. _____
- 3-17-59 Reported favorably, as amended. Sent to printer. _____
- 3-18-59 Returned from printer. Sent to Speaker. _____
- 4-29-59 Read second time, amended, and ordered engrossed by a
viva-voce vote. _____

Dorothy Hallman
Chief Clerk, H. of R.

- 4-29-59 Sent to Engrossing Clerk. _____
- 4-29-59 Engrossed. _____

Orea Guffin
Engrossing Clerk, H. of R.

MAY 4 1959 RETURNED FROM ENGROSSING CLERK

MAY 4 1959 SENT TO SPEAKER

MAY 8 1959

*Motion to suspend all
necessary rules to con-
sider, failed by non-
record vote.*

Dorothy Hallman

Chief Clerk, House of Representatives